

Message Text

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ACTION EA-12

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FM AMEMBASSY RANGOON

TO SECSTATE WASHDC 5828

C O N F I D E N T I A L SECTION 1 OF 2 RANGOON 3078

E.O. 11652: N/A

TAGS: PINT, BM

SUBJECT: CORRUPTION/PARTY PURGE TRIALS

REF: (A) A-16 (B) A-28 1977 (C) A-78 1977

1. SUMMARY: ON AUGUST 11 THE RANGOON DIVISIONAL COURT SENTENCED EX-COLONEL TUN LIN, THE FIFTH AND PRINCIPAL DEFENDANT IN THE SIX-MONTH LONG "CORRUPTION" TRIALS OF FORMER BURMA SOCIALIST PROGRAM PARTY (BSPP) OFFICIALS, TO SIX CONCURRENT SENTENCES OF LIFE IMPRISONMENT FOR THE MISUSE OF BSPP PUBLIC (GOVERNMENT) PROPERTY--OFFENSES THAT BY PRE-NE WIN CRIMINAL PRACTICE WOULD HAVE BEEN CONSIDERED TO BE PETTY GRAFT. TWO OTHER DEFENDANTS, THAN SEIN AND TIN WIN NYO, ALSO RECEIVED LIFE SENTENCES FOR SIMILAR TRANSGRESSIONS. THE THREE MEN HAD BEEN ELECTED MEMBERS OF THE BSPP CENTRAL EXECUTIVE COMMITTEE (POLITBURO) AND EARLIER HAD BEEN PRINCIPAL MANAGERS OF THE PARTY. THEY WERE REGARDED AS SUPPORTERS OF THE CURRENT NUMBER TWO MAN IN THE PARTY AND THE GUB, GENERAL SAN YU. ALL FIVE DEFENDANTS WERE BSPP CENTRAL COMMITTED MEMBERS UNTIL THEY WERE PURGED--ALONG WITH OTHER CC MEMBERS--AT THE EXTRAORDINARY PARTY CONGRESS IN NOVEMBER 1977. IN MARCH 1977 FOLLOWING THE THIRD BSPP CONGRESS (FEBRUARY 27 - MARCH 1, 1977), NE WIN LARGELY REMOVED TUN LIN AND THAN SEIN FROM ACTIVE PARTY ADMINISTRATION AND MADE THEM MINISTERS OF TRANSPORTATION AND COMMUNICATIONS AND PLANNING AND FINANCE

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RESPECTIVELY. WELL-INFORMED SOURCES HAVE TOLD US THAT THE FIVE MEN IN FACT WERE PROSECUTED AT NE WIN'S BEHEST FOR THEIR ROLE IN AN ATTEMPT BY A MORE RADICAL FACTION OF THE PARTY AT THE THIRD BSPP CONGRESS TO EMBARRASS NE WIN AND REDUCE HIS INFLUENCE OVER THE PARTY AND THE FORMULATION OF POLICY. GENERAL SAN YU, ACCORDING TO INFORMANTS, WAS THE INTENDED ULTIMATE BENEFICIARY OF THE MOVE; WE HAVE NO INFORMATION, HOWEVER, REGARDING WHETHER

OR NOT HE PLAYED AN ACTIVE ROLE IN THE EFFORT. NE WIN REPORTEDLY EASILY QUASHED THE ATTEMPT AND THE HARSH SENTENCES PROBABLY REFLECT HIS VINDICTIVENESS. THEY DOUBTLESS ALSO HAVE DETERRENT VALUE. END SUMMARY.

2. (A) ON AUGUST 11, THE RANGOON DIVISION COURT SENTENCED TUN LIN TO LIFE IMPRISONMENT ON EACH OF SIX COUNTS OF MISAPPROPRIATION OF PUBLIC PROPERTY--I.E., BSPP FUNDS AND MATERIEL. THE TOTAL AMOUNT OF THE ALLEGED MISAPPROPRIATION WAS KYAT 148,514--OR APPROXIMATELY U.S. \$22,000 AT THE OFFICIAL RATE. THE SENTENCES ARE TO BE SERVED CONCURRENTLY. A NATIVE OF THE SHAN STATES AND REPUTEDLY A SUPPORTER OF SAN YU (WHO IS GENERAL SECRETARY OF THE BSPP), TUN LIN HAD BEEN FIRST SECRETARY OF THE BSPP FROM 1971 TO JUNE 1976 AND ON FEBRUARY 28, 1977 WAS ELECTED TO THE PARTY'S 14-MAN CENTRAL EXECUTIVE COMMITTEE (POLITBURO). IN MARCH 1977 HE WAS LARGELY REMOVED FROM ACTIVE PARTY ADMINISTRATION AND MADE MINISTER OF TRANSPORTATION AND COMMUNICATIONS.

(B) ON AUGUST 3 THAN SEIN, AN ARAKANESE EX-COLONEL ALSO REGARDED AS A CLOSE SUPPORTER OF GENERAL SAN YU, RECEIVED CONCURRENT SENTENCES OF LIFE IMPRISONMENT AND SEVEN YEARS IMPRISONMENT FOR THE MISAPPROPRIATION OF SUPPLIES WORTH KYAT 1,045 (ROUGHLY U.S. \$150 AT THE OFFICIAL RATE) AND FOR THE MISUSE OF A PARTY VEHICLE. HE FOLLOWED TUN LIN AS FIRST SECRETARY OF THE BSPP SERVING FROM JUNE 1976 UNTIL FEBRUARY 28, 1977--WHEN HE WAS ELECTED TO THE BSPP CENTRAL EXECUTIVE COMMITTEE. IN MARCH 1977
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HE WAS NAMED MINISTER OF PLANNING AND FINANCE, A POST HE HELD UNTIL THE CURRENT CASE.

(C) ON AUGUST 2, TIN WIN MYO, ALSO A MEMBER OF THE BSPP CENTRAL EXECUTIVE COMMITTEE AND A REPUTED SAN YU SUPPORTER, RECEIVED LIFE SENTENCES ON TWO COUNTS FOR THE MISUSE OF KYAT 5,670 (APPROXIMATELY U.S. \$850 AT THE OFFICIAL RATE).

(D) THE REMAINING DEFENDANTS, ZAW PE AND TIN AYE KYAW, BOTH BSPP CENTRAL COMMITTEE MEMBERS AND LESSER OFFICIALS AT BSPP HEADQUARTERS, RECEIVED SEVEN-YEAR SENTENCES FOR FALSIFICATION OF RECORDS.

3. THE INVESTIGATION WHICH LED TO THE TRIALS WAS LAUNCHED SEPTEMBER 17, 1977, ACCORDING TO INFORMANTS AT NE WIN'S BEHEST. MOST OF THE OFFENSES FOR WHICH THE DEFENDANTS WERE CHARGED WERE COMMITTED YEARS AGO--IN THE 1972-75 PERIOD--AND WERE REVEALED BY AN INTENSE AUDIT OF BSPP FINANCIAL RECORDS.

4. THE DEFENSE ARGUED THROUGHOUT THE CASE THAT THE CHARGES INVOLVED "PARTY" RATHER THAN "PUBLIC" (GOVERNMENT) PROPERTY; THUS THEY COUNSELLED THAT THE PUBLIC PROPERTY LAW OF 1963--WHICH WAS

INVOKED BY THE PROSECUTION AND WHICH CALLS FOR SENTENCES FROM
TEN YEARS TO LIFE--SHOULD NOT APPLY. THE COURT RULED THAT IN
TODAY'S BURMA BSPP PROPERTY IS PUBLIC (GOVERNMENT) PROPERTY.

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C O N F I D E N T I A L SECTION 2 OF 2 RANGOON 3078

5. WE HAVE BEEN INFORMED BY--AMONG OTHERS--FOUR WELL-INFORMED
INDIVIDUALS WHO APPEAR TO HAVE EXCELLENT ACCESS TO INFORMATION
REGARDING THE CASE THAT THE TRIALS ARE IN EFFECT THE LAST STAGES
OF A PURGE BY U NE WIN OF HIGH-RANGKING BSPP OFFICIALS WHO LED AN
ABORTIVE CHALLENGE TO HIS LEADERSHIP AT THE THIRD PARTY CONGRESS
EARLY LAST YEAR. ACCORDING TO THE PICTURE THAT HAS EMERGED, A
GROUP OF CENTRAL COMMITTEE MEMBERS, LOOSELY DESCRIBED AS "MORE
RADICAL" AND SUPPORTERS OF GENERAL SAN YU, ORGANIZED DELEGATE
VOTES FOR ELECTION OF THE CENTRAL COMMITTEE, SO THAT NE WIN DID
NOT RECEIVE THE GREATEST NUMBER OF VOTES AS HE ALWAYS HAD IN THE
PAST PARTY CONGRESSES. ACCORDING TO THESE SOURCES, IN THE FIRST
THREE VOTES, NE WIN CAME IN FOURTH TWICE AND THIRD ONCE. GENERAL
SAN YU, ACCORDING TO INFORMANTS THE PLANNED ULTIMATE BENEFICIARY
OF THE FACTION'S EFFORTS, CAME IN SECOND IN TWO OF THE ELECTIONS
TO THE ELDERLY KYAW SOE AND FIRST IN THE THIRD ELECTION. NE WIN,
ANGERED AT THE PROCEEDINGS, ORDERED A FOURTH ELECTION AND
DICTATED THE RESULTS. THE RIVAL FACTION DID NOT HAVE THE CLOUT
TO RESIST. SUBSEQUENTLY, THE ORGANIZERS OF THE EFFORT, INCLUDING
THE FIVE DEFENDANTS IN THE CURRENT TRIALS AND THE MANIPULATORS,
EX-COMMUNISTS TIN MYA AND YE HTUT, WERE PURGED FROM THE CENTRAL
COMMITTEE, ALONG WITH SCORES OF OTHERS.

6. ONE INFORMANT, WHOSE INFORMATION CHECKS OUT IN MANY HISTORICAL
DETAILS, SAID THAT THE FIVE DEFENDANTS WERE NOT HOWEVER
THE PLANNERS OF THE MOVE. HE SAID THAT RETIRED BRIGADIER TIN PE,
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THROUGH ONE-TIME COMMUNISTS TIN MYA AND YE HTUT, WAS THE ORGANIZER OF THE EFFORT. TIN PE, PARTIALLY INCAPACITATED AS A RESULT OF AN OLD INJURY, DID NOT SEEK POWER FOR HIMSELF BUT FOR GENERAL SAN YU AND THE PARTY ITSELF. ALTHOUGH WE HAVE NO OTHER INFORMATION TO SUBSTANTIATE THIS, WE EVALUATE THIS VERSION OF THE EVENTS AS POSSIBLY ACCURATE.

7. THE CONVICTED MEN HAVE BEEN CONFINED TO THE POLITICAL (OR "V.I.P.") WING OF INSEIN PRISON SINCE THEIR ARREST AND WILL BE HELD THERE FOR THE TERM OF THEIR SENTENCES. A LAWYER WELL VERSED IN LOCAL CRIMINAL PRACTICE WHO IS KNOWLEDGEABLE ABOUT THESE CASES NOTED THAT IN BURMESE PRACTICE A LIFE SENTENCE AMOUNTS TO 25 YEARS IN PRISON. UNDER THE EFFECT OF THE GOVERNMENT'S AMNESTY ORDER, NOTIFICATION NUMBER ONE, IF THE OFFENSES OCCURRED BEFORE MARCH 19, 1974, THE SENTENCES ARE AUTOMATICALLY REDUCED BY ONE-HALF. TUN LIN, THAN SEIN, ZAW PE, AND TIN AYE KYAW ARE BENEFICIARIES OF THIS ORDER AND CAN EXPECT TO SERVE TWELVE AND ONE HALF YEARS AND THREE AND ONE HALF YEARS RESPECTIVELY. AS HIS ALLEGED OFFENSES OCCURRED AFTER MARCH 1974, TIN WIN NYO MUST SERVE A FULL LIFE (25 YEAR) SENTENCE. THE SENTENCES ARE UNIFORMLY REGARDED BY BURMESE LAWYERS AND LAYMEN AS HARSH.

8. AN INFORMANT WHO WITNESSED THE AUGUST 11 SENTENCING OF TUN LIN, STATED THAT TUN LIN REMAINED CALM THROUGH THE FINAL PROCEEDINGS, THEN UPBRAIDED THE COURT (THEMSELVES POLITICAL APPOINTEES AND NOT TRAINED JUDGES), STATING THAT THEY DID NOT KNOW WHAT THE TRIAL WAS TRULY ABOUT, THAT IT WAS A POLITICAL PURGE RATHER THAN A MATTER OF GRAFT. HE ADVISED FRIENDS FROM THE BSPP PRESENT AT THE SENTENCING TO SELL THEIR PROPERTY AND BUY HOUSES FOR THEIR WIVES AND CHILDREN NEAR INSEIN PRISON BECAUSE UNDER THE PRESENT REGIME THEY ALL WOULD WIND UP THERE EVENTUALLY.

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9. COMMENT: FAILURE TO GAIN THE MOST POPULAR VOTES IN A CENTRAL COMMITTEE ELECTION COULD EMBARRASS OR EVEN DISCREDIT NE WIN, BUT IT IS DIFFICULT TO SEE HOW IT COULD LEAD TO HIS REMOVAL AS PARTY CHAIRMAN OR FROM HIS PRESENT POSITION AS HOLDER OF SUPREME POLITICAL POWER. ALTHOUGH IT IS HISTORY, THE EMBASSY CONSIDERS THE DETAILS OF THE ATTEMPTED CHALLENGE OF INTEREST FOR THE LIGHT IT CASTS ON BURMA'S POLITICAL DYNAMICS. FROM ALL ACCOUNTS THIS CHALLENGE HAD THE PURPOSE OF UNDERMINING THE AUTHORITY OF NE WIN AND STRENGTHENING THE PARTY'S ROLE IN GOVERNMENT. THE APPARENT EASE WITH WHICH IT WAS QUASHED AND THE HARSH SENTENCES HANDED

OUT, ONCE AGAIN DEMONSTRATE THE FUTILITY OF SUCH POLITICAL CHALLENGES AS LONG AS NE WIN IS IN FIRM CONTROL. DOUBTLESS THE PROTAGONISTS OF THE ATTEMPT OVERESTIMATED THEIR CAPABILITIES AND THE SUPPORT THEY COULD COMMAND, REFLECTING THAT IN THEIR ABSORPTION WITH PARTY AFFAIRS THEY WERE IN FACT OUT OF TOUCH WITH FUNDAMENTAL POLITICAL REALITIES. WIDESPREAD DISSATISFACTION WITH NE WIN'S RULE IS PREVALENT, AND, AS THESE SENTENCES ARE HANDED DOWN AND AS THE PRESIDENT ONCE AGAIN DEPARTS FOR A MEDICAL CUM PLEASURE TRIP TO EUROPE, WE HAVE HEARD THAT YET ANOTHER PURGE OF HIS CRITICS IS IN THE MAKING--THIS TIME INCLUDING CRITICS IN THE ARMED FORCES.

10. EMBASSY IS POUCHING TO DEPARTMENT MEMORANDA OF CONVERSATIONS REGARDING ASPECTS OF THIS CASE AND THE HISTORY OF THE "MORE RADICAL" FACTION OF THE BSPP.
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